App F. IX-4

Previous References

193 (Army)

File No. 394.3

Serial Nos. 1 ~ 2

Letter References
Army Lab 34 & 40.

RESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for July 1939.

SUBJECT.

Appeal petition of Shaikh Gurachanmahasanaiya re eviction at Gyubbi, Tumkur Taluk

No 34 dy 8.7.1939.

To Mr. Shaikh Gurachanmahasanaiya
of Gyubbi Tumkur Dist—

Inclinado That there are no
reasons to interfere with the orders
of the Assistant Commissioner.

WD 0295—GPB—22,500—13-8 37

Ans
31-4.39

G. R. S. App. F. III—1] 1938-9

GENERAL AND REVENUE SECRETARIAT.

(Mug)

NOTES.

File No. 394-3

FILE HEADING.

Appeal petition of Stanik Gunchannabasavaiya son of Stanik Gunmallappa - Gubbi

FROM

Stanik Gunchannabasavaiya

No. - Dated 22.6.39 Received 23.6.39

Diary No. 1666 | Enclos. 2 | Spare copies - | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the Muzrai Commissioner holding the respondent (now before Govt) as the archak of Sri Channabasaveswamy temple at Gubbi and requests for reasons stated therein that he may be declared to be the hereditary archakship of the temple.

NOTES AND ORDERS

The appeal petn is a registered stamped & was been filed in time. Attested copy of the M.C's order appealed against is annexed — The appellant relies upon an agreement of 22/10/19 executed between them. For order if the appeal may be admitted and records called for.

Notes—First Sheet

WD 0188—G1B—1,500—14-9-34

Mungi File No. 394 of 193 —

General and Revenue Secretariat

No question of law is involved in the case. Even on merits the M.A. Order seems correct as there is no merit in unnecessarily entertaining a Revision Petition when the lower Court has not taken any view. The interest may be rejected

1.7.39

2nd Member) 1/7.39

) Reject

1.C.S.) 1/577

6)

7)

No 34 of 8.4.39 to Mr Shaikh Ismail Sahib - 2
basically of Gubbi intimating that there are no reasons to interfere with the order of the Munsif Commissioner —

No 35 of 8.4.39 of the Munsif Commissioner forwarding for information Copy of the above —

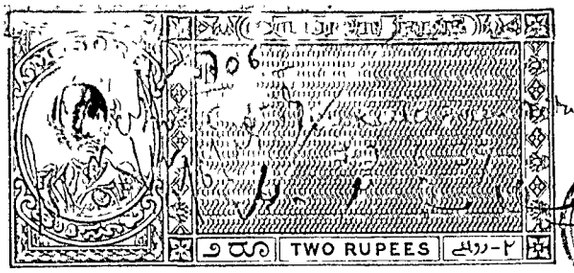
x O

Dis Collector -

GENERAL SECRETARY.
1 JULY 1939
2

SECOND MEMBER OF COUNCIL.
3 JULY 1939
No. 62

12/7



GENL & REV. SECRETARIAT
23 JUN. 1939
1666
MUZRAI

Mys 215/1937

Before the Government of H.H.the Maharajah of Mysore, Mys 394-38-

Mys Appeal No. 16 of 38-39.

Appellant:--	Respondent:--
Stanik Guruchannabasaviah, son of Stanik Gurumallappa, -VS- residing at Gubbi, Tumkur District.	Stanik Huchappa, Archak, Sri Channabasaveswaraswamy Temple, Gubbi, Tumkur District.

Under Sec.38.(2) of the Mysore Muzrai Regulation (Religious & Charitable Institutions) the appellant most humbly begs to prefer this appeal against the order of the learned Muzrai Commissioner, in Muzrai Appeal No. 31 of 37-38 for the following amongst other grounds:--

1. The Order of the learned Muzrai Commissioner in modifying the order of the learned Deputy Commissioner in Muzrai Appeal no. 1 of 35-36 is against law and weight of evidence in the case.

2. The evidence in the Case does not disclose any enimity between the parties.

3. The learned Muzrai Commissioner has not given due weight to the "Mamool" and the agreement dated 22-10-1904 between the parties.

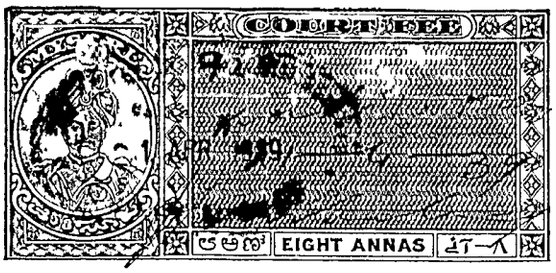
4. The appellant received the endorsement on 23-3-'39 and as such the appeal is in time.

5. In any view of the ~~k~~ Case the order of the learned Muzrai Commissioner cannot be supported.

6. Wherefore the appellant respectfully prays that the records connected with the said case may kindly be sent for and perused and the appellant may be declared to be the Hakdar to the Pujariship of the Sri Channabasaveswaraswamy Temple at Gubbi, Tumkur District

Bangalore,
22-6-1939.

Appellant.



In the Court of the Muzrai Commissioner in Mysore
Bangalore

Appeal number 31/37-8

Appellant
Slanik Hutchappa
Archak of Sri Channabasaveswara
Swamy Temple at Gubbi

Respondent
Gurucharnabasaviah
S/o Gurumallappa Gubbi

Subject

Appeal against the order of the Deputy Commissioner, Tumkur District in Appeal no 1/35-6. dated 19th May 1937, directing that the respondent may also be associated with the Appellant in the performance of puja etc in the Sri Channa Basaveswara swamy temple at Gubbi

Facts of the case

One Hutchappa was the original Barawardar-archak of the Sri Channabasaveswara swamy temple at Gubbi. The Appellant is his grandson on the male side, while the Respondent is his great-grandson on the female side, being the grandson of the daughter of the barawardar A dispute, as regards the archakship having arisen, a detailed enquiry was held into the matter and the barawand was made in the name of the Appellant. But, on the representation of the Respondent, the Deputy Commissioner has ordered that in view of the fact, that the Respondent, his brother and their ancestors have all along been rendering assistance in the performance of puja etc, in the temple and receiving remuneration therefor, the Respondent may, during his lifetime, or until he becomes unfit to perform duties, due to old age, be allowed to assist the Appellant, as heretofore.

Hence the appeal, on the grounds that it is not equitable to force the Respondent on him (Appellant) and make him pay for the assistance rendered, that the Appellant has been performing puja etc, in the temple without any help for the past six years, and it would hard upon him, if the Respondent is now thrust upon him and that it would not be possible to employ and trust a person who is inimically disposed towards the Appellant and entrust the jewels and other valuables to him.

The case came up for hearing on 11-3-1939 when Mr B Venkata Rao M.A., M.L., for the Appellant and Mr K. Gubbi

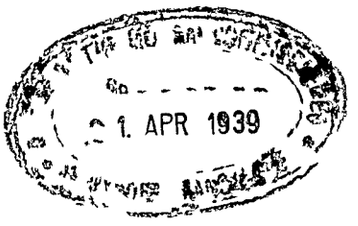
Mr. K Subbiah

Order. 31/3738 Dated

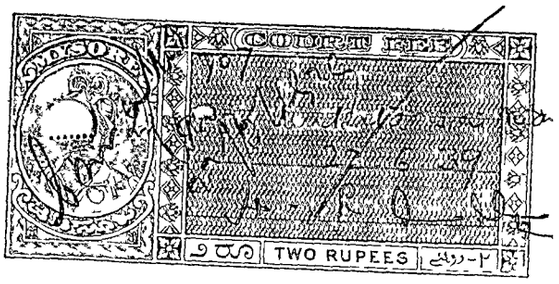
Heard Mr Subbiah. The Appellant and he contends rightly, I think, he cannot have a person who is inimically disposed as a helper in his office the order of the is, to that extent modified

(Sd) S Abdul Wahab
Muzrai Commissioner

Copy attached by by Gunnchannabasappa
Copy ready on. 21-4-39
Copy delivered on 21-4-39
Number of words. 320
Copying fees. 0-8-0
Comparing fees 0-2-0
Total 0-10-0



Copied by V Gunnchannabasappa
Compared by. S Jayaramaraj
" Copy"
M Bheemeswar Rao
Manager 21 4 39.
Muz. Comm's office



In the Court of the

Before the Govt. H. H. The Maharaja of Mysore

Appeal No. OF 1938-1939

Appellant—~~Plaintiff~~

Stanley Gonsalves — Bangalore

Vs.

Respondent—Defendant

Stanley Kuchaffer

1. The Appellant above-named do, by these presents retain **Mr. C. S. Venkataswamy, B.A., B.L.,** Advocate to appear and conduct the above case on my behalf to judgment.

2. I further empower him to execute any decree or order that may be passed in my behalf, and to receive from Court such sums of money as I may be entitled to get and grant receipts therefor, to withdraw, compromise or refer to arbitration the said suit, to appoint a substitute or substitutes and to act and perform all other matters and things relative thereto and connected therewith.

3. I also undertake to confirm and ratify all the legal acts done by the said advocate in so doing.

Accepted

C. S. Venkataswamy

ADVOCATE FOR Appellant

Date 22/6/1939

Signed before me and personally known to me

C. S. Venkataswamy

ADVOCATE.

THE POWER PRINTING WORKS CHICKPET BANGALORE CITY

Section Mug
File No. 394-38
Serial No. —

Diary No. of letter replied to 1666

No. 34

To

Mr. Stanik Gurucharana Dasadaya
of Gubbi
C/o C.S. Venkata Swami
Esq B.A.B.L.
Advocate -
Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 8-7-39

Signed by Mr. S. K. V.

Fr. the order in the pet^n of
22.6.39 appealing against
the order of the M.C. in the
matter of his claim for the
annual saip of the Temple
of Sri Channabasaveshwara
Swami at Gubbi Tumkur Dt
Mr Stanik Gurucharana-
basadaya is informed that

List of enclosures

TYPING SE
6 JULY 1939
BEN. & P T

Copied by 9/7/39

Examined by.

WD 0278—GPB—30,000—4-3-38

orders of the Asst Sec
to Govt
SS
6/7 -

1

Govt see no reason to interfere with the order of the A-C & that his appeal pet^n is liable to be Rejected.

B.O

Memo No 35

6-7-30 Sd/- Y. Krishna

Copy of the above is forwarded with Compliments to the A-C for information.

B.O

Sd/- Y. Krishna

6/7/30

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th July 1939.

No. 34
Jarmy 6 394-38-2

ENDORSEMENT.

To

Mr. Stanik Guruchannabasaviah of Gubbi.
c/o C.S. Venkatasvami, Esqr., B.A., B.L.,
Advocate, Bangalore City.

With reference to his petition dated 22nd Jan. 1939 appealing against the order of the Inam Commissioner in the matter of his claims for the archakship of the temple of Sri Channabasaveshwara Swami at Gubbi, Tumkur District, Mr. Stanik Guruchannabasavaiya is informed that Government see no reason to interfere with the order of the Inam Commissioner and that his appeal petition is therefore rejected.

By Order,
Sd. J. Appaji Gowda
General Secretary to Govt.

1803. 58

Memo No. 35

Dated, Bangalore, 8th July 1939.

Copy of the foregoing is forwarded, with compliments, to the Muzrai Commissioner in Mysor , for information.

By Order,

For General Secretary to Govt.